

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

ROY LEE JONES

PLAINTIFF

v.

No. 3:12-cv-227-DPM

**CITY OF EARLE WATER AND
SEWAGE WORKS; DANNY CLARK,
Manager, City of Earle Water and
Sewage Works; and OTIS DAVIS,
Mayor, City of Earle**

DEFENDANTS

ORDER

Jones filed a *pro se* complaint alleging race discrimination by the Earle Water and Sewage Works and two employees. In October 2012, the Court denied without prejudice his motion to proceed *in forma pauperis*. *Document No. 3.* Nothing has happened since. If he wants to pursue this case, Jones must pay the \$350 filing fee, or file an IFP application that addresses the Court's ruling about owning his home, by 28 February 2013. Not taking one of these steps will result in dismissal of the case without prejudice.

There also appears to be a service problem. Sending the complaint by regular mail to Don Zimmerman, *Document No. 2, at 4*, does not comply with Federal Rule of Civil Procedure 4. Jones had 120 days to serve his complaint

properly. FED. R. CIV. P. 4(m). That period ended, by the Court's count, on 28 January 2013. Jones must therefore file proof of valid service before 28 January 2013, or a motion to extend his time for service showing good cause, by February 28th. If he does not, the Court must dismiss his complaint without prejudice. FED. R. CIV. P. 4(m).

So Ordered.

DPM/Jr/ll J.
D.P. Marshall Jr.
United States District Judge

13 February 2013